

Exhibit D-1

30(b) (6) Abbott (Fishman, David S.)

March 12, 2008

Page 1

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

IN RE: PHARMACEUTICAL)
INDUSTRY AVERAGE WHOLESALE)
PRICE LITIGATION) MDL No. 1456
-----) Civil Action
This document relates to:) No. 01-12257-PBS
United States of America,)
ex. rel. Ven-a-Care of the)
Florida Keys, Inc.,) Hon. Patti Saris
vs.)
Abbott Laboratories, Inc.,) Magistrate Judge
CIVIL ACTION NO. 06-11337-PBS) Marianne Bowler

Videotaped 30(b)(6) deposition of DAVID S.
FISHMAN, called by the Plaintiffs for examination,
taken pursuant to notice, agreement and by the
provisions of the Rules of Civil Procedure for the
United States District Courts pertaining to the
taking of depositions, taken before DEBORAH HABIAN, a
Notary Public within and for the County of Cook,
State of Illinois, and a Certified Shorthand Reporter

Henderson Legal Services, Inc.

202-220-4158

www.hendersonlegalservices.com

cdd3ff2a-b72b-4c68-8c9a-7da0ab93bbf3

30(b) (6) Abbott (Fishman, David S.)

March 12, 2008

Page 239

1 believe it's a -- calling for a legal conclusion.

2 MS. ST. PETER-GRIFFITH: Sir, you need to
3 answer the question.

4 MS. CITERA: He's answered the question.

5 THE WITNESS: I believe you're calling --

6 MS. ST. PETER-GRIFFITH: He -- he hasn't
7 answered the question.

8 MS. CITERA: He cannot -- I mean he's not here
9 to testify about what's legal or illegal.

10 MS. ST. PETER-GRIFFITH: I'm not asking about
11 what --

12 MS. CITERA: I think you are.

13 MS. ST. PETER-GRIFFITH: I'm asking his
14 under -- Abbott's understanding.

15 MS. CITERA: But that -- the premise of the
16 understanding is whether or not it violated the law,
17 and that's a legal conclusion. He's not here to
18 testify about what's legal or illegal.

19
20 BY MS. ST. PETER-GRIFFITH:

21 Q. Did Abbott undertake any initiative to
22 ascertain whether or not its practices in maintaining

Henderson Legal Services, Inc.

202-220-4158

www.hendersonlegalservices.com

cdd3ff2a-b72b-4c68-8c9a-7da0ab93bbf3

30(b)(6) Abbott (Fishman, David S.)

March 12, 2008

Page 240

1 spreads of a hundred to a thousand percent or more or
2 any excessive spread was permissible?

3 MS. CITERA: Objection to the form, outside the
4 scope.

5 THE WITNESS: To my knowledge, Abbott did not
6 make any inquiry regarding any spread regardless of
7 what the percent was.

8

9 BY MS. ST. PETER-GRIFFITH:

10 Q. Did Abbott make any inquiry concerning
11 whether it was permissible to provide customers with
12 spread information or AWP information?

13 A. Inquiry of whom?

14 MS. CITERA: Objection.

15

16 BY MS. ST. PETER-GRIFFITH:

17 Q. Inquiry of any state or federal Medicaid
18 or Medicare official.

19 MS. CITERA: Objection to form, outside the
20 scope.

21 THE WITNESS: Not to my knowledge, but I would
22 reiterate it was the practice not to do that.

Henderson Legal Services, Inc.

202-220-4158

www.hendersonlegalservices.com

cdd3ff2a-b72b-4c68-8c9a-7da0ab93bbf3